

To: Wagener, Christine[wagener.christine@epa.gov]
From: Lotthammer, Shannon (MPCA)
Sent: Wed 8/14/2013 1:10:29 PM
Subject: RE: Wild Rice Impaired Waters Assessment - Response Due 8/13 - Today?

Thank you, Chris! I very much appreciate you sharing your interpretation of my note – which is exactly what my intent was. The MPCA's intent all along has been to foster an open process, and I believe we've demonstrated that (but if you think differently, please let me know!). As you suggested, I was simply trying to get the group's perspective on how best to engage in the discussion about assessment, and trying to be sensitive to the fact that some folks are very comfortable speaking up in the meeting on process questions, but others would rather weight in by e-mail.

Thanks again, both for your e-mail and your ongoing participation and feedback! I certainly appreciate your desire to not become a "middle man" in this conversation, and I'll do all I can to avoid putting you in that position!!

Have a great day,

Shannon

From: Wagener, Christine [mailto:wagener.christine@epa.gov]
Sent: Tuesday, August 13, 2013 5:18 PM
To: Paula Maccabee
Cc: Proto, Paul; Lotthammer, Shannon (MPCA)
Subject: RE: Wild Rice Impaired Waters Assessment - Response Due 8/13 - Today?

Paula,

I just got back to my desk and I see that you left me a message in addition to a few emails, one in response to Shannon Lotthammer's. I am completely for an open process and would support a meeting or conference call. Either way, I personally would be attending by phone. I did not interpret Shannon's note to indicate the Committee would be voting on *what* to discuss. I can certainly let MPCA know that I fully support an open process. With as many members as there are on the WR Advisory Committee, email could become a rather messy process with everyone weighing in.

I'd like to make a few things clear. I view my role as an informed observer in this process. I am not a member of the Advisory Committee. EPA has chosen not to play a direct role since we will be in the position of final reviewer of any water quality standard that MPCA wishes to implement. Second, while we are discussing the impaired waters as part of the Advisory Committee process, I do not have say in how wild rice waters, or impaired waters containing wild rice, become identified. We do have a staff here at EPA that oversees the impaired waters program, and I have spoken with Paul Proto about the most recent (2012) MN 303d list. Beyond that, I would prefer not to become the middle man in this conversation to determine how a discussion will evolve.

Sincerely,

Chris Wagener

Christine M. Wagener, PhD

Scientist, Water Quality Standards Branch

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From: Paula Maccabee **Ex. 6 - Personal Privacy**

Sent: Tuesday, August 13, 2013 4:42 PM

Ex. 6 - Personal Privacy

Subject: Wild Rice Impaired Waters Assessment - Response Due 8/13 - Today?

Importance: High

Hello, Shannon:

WaterLegacy strongly disagrees with the idea that any issues at the Wild Rice Advisory Committee may be decided by majority vote, both because that is contrary to the Committee's understanding from its inception and because when the MPCA added "technical advisors" to the Committee this addition widened the disparity in numbers between persons representing dischargers and persons representing resource protection concerns. As you know, when industry representatives wished to discuss the details of hydroponic experiments in phone conferences, the MPCA did not put the question to a vote, but simply honored the request of a subset of members for more information on a topic of concern to them.

The question is not whether I personally prefer open communications by phone or in person to an email exchange, but whether the members of the Committee, who include resource protection advocates and tribal wild rice experts, deserve to participate in a discussion of how wild rice impaired waters are being reviewed for designation. As you know, WaterLegacy has raised the question of whether the process being used to identify wild rice impaired waters, by requiring a certain number of data points, will exclude data from the 1854 Treaty Authority. We have also questioned the use of arbitrary acreage or density thresholds for the current presence of wild rice, since such thresholds have not been set in rule and because high levels of sulfate may have decimated wild rice in waters where it was fully present at some time since the 1975 date pertinent under the Clean Water Act. Finally, we have asked the MPCA whether tribal experts and citizens knowledgeable about wild rice locations will be included in the "technical review" process that the MPCA has said they'll use to screen the data. We've been unable to get clear answers on any of these questions.

When this matter came up in the Committee last week, two other members concerned about wild rice impaired waters – Nancy Schuldts and Darren Vogt – stated that they preferred a phone conference to either email or an in-person meeting, a preference which WaterLegacy supported. We continue to support a phone conference discussing the assessment of wild rice impaired waters and to support an open process that does not exclude important resource protection data or exclude tribal expertise.

Please feel free to call me if you have any questions.

Thank you.

Paula Maccabee, Esq.

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Ex. 6 - Personal Privacy

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From: "Lotthammer, Shannon (MPCA)" <shannon.lotthammer@state.mn.us>

Date: Tue, 13 Aug 2013 19:17:51 +0000

Ex. 6 - Personal Privacy

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Subject: RE: Wild Rice Impaired Waters Assessment

Hi Paula –

Thank you for your note. Before Pat responds I wanted to clarify that while I believe the Advisory Committee agreed as a group that we should follow up with some form of a discussion/ information-exchange about sulfate-wild rice impaired waters assessment efforts, and I know you strongly prefer a phone call or an in-person meeting over an e-mail summary/exchange, we haven't settled on the format yet.

Since we were crunched for time at the end of the meeting last week and some Advisory Committee members were already on their way out the door, I asked folks to get back to Pat and me with their preference (i.e. in-person meeting, conference call or e-mail). I didn't set a deadline, though, so if folks could please respond to this question by COB this Thursday (8/13), we'll tally the responses (simple majority) and proceed from there to follow up with the selected next step.

Thanks again,

Shannon

Ex. 6 - Personal Privacy

Sent: Tuesday, August 13, 2013 11:39 AM

Ex. 6 - Personal Privacy

Subject: Wild Rice Impaired Waters Assessment

Hello, Pat:

At our most recent Wild Rice Advisory Committee meeting, we ran out of time to discuss the status of the wild rice impaired waters assessment. Many questions about the process that have been raised by WaterLegacy and other committee members have not yet been discussed or answered.

After a discussion with Shannon Lotthammer, I believe we all agreed to schedule a phone conference specific to the issue of wild rice impaired waters assessment. It would be great if you could send out a Doodle poll so that we could schedule that meeting.

Best regards,

Paula Maccabee, Esq.

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